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FILED
U.S. DISTRICT COURT
2019 MAR 25 A 10:16
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EARLE JENSEN,

PLAINTIFF,

V.

BUREAU OF CRIMINAL
IDENTIFICATION, MARCUS
YOCKEY, AND BARRY LAWRENCE,

DEFENDANTS,

RESPONSE TO

MOTION TO DISMISS AND

MEMORANDUM IN SUPPORT

CASE NO. 2:19-CV-00168-DBP

MAGISTRATE JUDGE DUSTIN B.

PEAD

After reading through the defendants response, I am noticing they only responded to the first half of my complaint which the second half is the the most critical and the whole reason for this suit against the defendant (bureau of criminal identification, asst atty gen. Marcus Yockey, and judge Barry Lawrence). After receiving judge Barry Lawrence's ruling i waited awhile for the the alleged criminal charges to be posted on my criminal record. Nothing was stated. I then applied for a second expungement process and waited over 7 months for a judicial review. This review allowed me to expunge my criminal record. And also didn't state any of the previous alleged charges as to the previous expungement record.(see my example from my complaint filings). the 2 judicial reviews from the B.C.I.(bureau of criminal identification) are from the same person but looks like they are from 2 separate people with all the difference. this is not the case. For is the reason for this suit. There is one similarity which is the case from West Jordan, UT. This is on both judicial reviews. They are from the same person. Also the other

alleged charges that are on first review are not on the second judicial review. Earlier, i stated in my complaint Utah annotated 77-40-105-Eligibility of Expungement of Conviction--requirements with subsection 4 stating do not count infractions,traffic offense, or other minor regulatory offenses. The defendants didnt do this and the reason for the change of the second application for expungement. This is the reason for the filing of this summons. and violating my constutional rights in a Double Jeopardy cause. I still would like an answer to my question I stated in my complaint--why was I charged twice for 3 situation? and I should receive "Just Compensation".

Also, the defendants atty, Kyle J.Kaiser, stated that his clients are immuned from this cause. This would be correct if they were telling the truth but THEY ARE NOT. Being immuned from something requires a sworn oath to uphold the truth in all decisions. In this case, there are some illegal jurisdictions,ie such as double jeopardy. Because of this the defendants shouldn't be immuned. As previous submitted in with my complaint, a page document of B.C.I. (1st judicial review and second judicial review), asst atty gen. Marcus Yockey (A brief stating to dismiss prior appeal),and judge Barry Lawrence(final decision). i will submit the full report if needed. Also the defendants stated these charges were criminal and approved in court. the defendants are not allowed immunity for not being truthful.

The bureau is an appropriate defendant since they are the main body of this case. They are capable of being sued since the make judcial decisions regarding other people criminal records. I am observing the big turn around the B.C.I. has had in the last for years. If the Bureau is wrong they should be prosecuted. They are all sworn in to uphold the truth and laws,regulation, and complaints.

In conclusion, I'm requesting to void and/or annul motion to dismiss this case for the truth should be follow through and not omit any wrong, illegal action, or not following regulations

DATED MARCH ~~22~~²⁵,2019

PLaintiff

A handwritten signature in black ink, appearing to be 'EJ Jensen', written over a horizontal line.

EARLE J. JENSEN, PLAINTIFF

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I certify that on March 22, 2019 I mailed by USPS certified copy, Response to motion to dismiss and memorandum in support '. I also certify that a true and correct copy of the foregoing was placed in the usps mailing postage paid to the following:

bureau of criminal identification
4501 south 2700 west 2nd floor
salt lake city, Utah 84129

AND Sent
Electronically thru
Courts

Judge Barry Lawrence

450 s. state street

salt lake city, Utah 84111

asst atty gen Marcus Yockey

4501 south 2700 west

salt lake city, Ut 84129

asst atty gen Kyle J. Keiser

160 east 300 south 6th floor

salt lake city, Utah 84114-0856



EARLE J JENSEN, PLAINTIFF